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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,977	06/22/2001	Yung-Feng Wang	3158/0J463	8076
2292	7590	04/08/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			VANDERPUYE, KENNETH N	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/887,977	<b>Applicant(s)</b> WANG ET AL.	
	<b>Examiner</b> Kenneth N Vanderpuye	<b>Art Unit</b> 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 3,4,10,11 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 15 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Because claim 15 depends on itself.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6-9, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simone Baldan(EP 1 077 578 A1) in view of Mills, Jr.(6,665,529) and Albin, Jr. et al.(6,704,330).

With regards to claims 1, 8, Miller teaches an apparatus for switching between SIM card with a telephone, the apparatus comprising:

Baldan teaches a mobile phone adapter for housing an switching two or more SIM card. Hence there is a switching mechanism in Baldan but it is manually operated. So in Baldan switching is not based on the service provider ID. In Mills each SIM card contains an IMSI number and the first six digits of this number identifies the service provider number(col. 5 lines 21-26). Hence the limitation, "a storage device storing a plurality of internal codes, each code of which identifies a direct service provider of one of the SIM cards" is met since each SIM card stores an identifier. What is not taught by both Miller and Baldan is the receiver for receiving and ID code identifying the service provider and a processor for comparing the received ID code and selecting a SIM card based on the ID code. Albin teaches a system in which an outgoing multiplexer is used to access disk drives using an addressing mechanism. The multiplexer controller detects incoming select target commands and compares incoming target address information with the presently defined multiplexer controller target address information.(see Abstract) Hence the function of the multiplexer in selecting a target disk drive is based on an addressing mechanism as used in applicants invention. The addressing mechanism is the service provider ID. Hence it would have been obvious to one of ordinary skill in the art to

combine Albin with Miller and Baldan for the purpose of switching SIM cards based on a service provider ID which is stored in the SIM card. The motivation to automate the SIM cards selection.

Claims 2, 9 are rejected because the service provider ID is stored on the SIM card hence the ID used in a multiplexer addressing scheme identifies the compatible SIM card.

Claim 13 is rejected because Albin teaches a multiplexer switch. It would have been obvious to combine Albin With Baldan and Miller for the same reasons as stated in claim 1, 8.

Claims 6-7, 12, 14 are rejected because official notice is taken that it is well known in the art that activating a process in a telephone can be done when the phone is turned on or when a key is pressed. Hence the features in these claims are obvious as a matter of design.

Claim 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simone Baldan(EP 1 077 578 A1) in view of Mills, Jr(6,665,529) and Albin, Jr. et al.(6,704,330) as in claims 1, 8 and further in view of Moore(6,035,191).

Moore teaches a method for selecting features to be activated in a standby mode. It would be obvious to one of ordinary skill in the art to

combine Moore with Baldan, Albin and Mills for the purpose of enabling the activation of SIM card switching during the standby mode. The motivation being to automate the process.

***Allowable Subject Matter***

Claim 16 is allowed.


Claims 3-4, 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth N Vanderpuye whose telephone number is 571-272-3078. The examiner can normally be reached on M-F(7:30-5:00) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KNV  
4/1/05



KENNETH VANDERPUYE  
PRIMARY EXAMINER